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EMERGENCY REQUEST FOR COMPASSIONATE RELEASE
UNDER Extraordinary and Compelling Circumstances
18 USC 3582 (c)(1)(A), as Amended by the First Step Act
Signed December 21, 2018

CASE No. 11-CR-20699

Your Honor,

My Name is Antonio Simmons. Registration Number 44315-039.
I am requesting Emergency Compassionate Release under Extraordinary
and Compelling Circumstances, 18 USC 3582 (c)(1)(A).

I am making this request based on High Risk factors that I
have, as per the CDC (Centers For Disease Control) for Severe illness
and/or DEATH, if I was to Contract the Covid-19 Virus. Also, due
to the Exigent Circumstances of being in the Communal Environment
of a Prison Setting during this DEADLY Pandemic.

Your Honor,

May it please the Court, I will Explain my High Risk factors, As
per the CDC, for Serious illness and/or Death, should I contract
the Covid-19 Virus.

Hypertension (High Blood Pressure) - This underlying health issue
Makes My heart work abnormally hard, to push blood through
My Constricted Blood Vessels, this Raising my Blood pressure. If
I was to Contract the Covid-19 Virus, it would put immense pressure
on my heart to supply blood, to combat the virus through those
constricted blood vessels, which that strain could prove too much
for my heart to handle.

The CDC states that 49.6% of Patients that have fallen Seriously
ill or Even Died with the Covid-19 Virus, have had this Underlying
health issue.

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The CDC states that this health issue makes an individual at High Risk for Serious illness or even DEATH if they were to Contract the Covid-19 Virus.

Your Honor, In Very recent Federal District Court rulings, it has been proven that, Federally Incarcerated inmates are "Highly Vulnerable to Covid-19 Virus", due to living in the Communal Environment of a Prison Setting. This FACT, Combined with my High Risk Factor, as stated by the CDC, makes this a Very deadly situation for me.
(See - MILLER v. United States Criminal CASE No. 1620222-1 E.D. Mich April 9, 2020.)

The Compassionate Release Statute 18 USC 3582(c)(1)(A), describes Certain Circumstances under which "Extraordinary and Compelling Circumstances" May be used for a Reduction in Sentence. However, the Commentary does NOT Suggest that, this list is "Exclusive".
"Extraordinary and Compelling Circumstances Warranted release by way of Covid-19 Pandemic, Combined with his particular Vulnerabilities to Complications from Covid-19."
(See - United States v. Sawicz 08-CR-287 (ARR) E.D.N.Y April 10, 2020.)

Your Honor, The Federal Correctional Institution in Ashland, Kentucky and their camp, are Not testing All inmates for the Covid-19 Virus. Instead, they are waiting until an inmate shows Signs or Symptoms of the Virus (is Symptomatic) to test that individual inmate. The CDC has proven that people (inmates / staff) can in fact be Carriers of the Virus (Be Asymptomatic) and Pass the Virus to others, through Contact, Air Droplets or other Means, all while showing ABSOLUTELY NO Signs or Symptoms OF THE Virus.

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At All.

The fact that the Prison in Ashland, Kentucky is choosing Not to test all inmates, potentially revealing Cases of Covid-19 Virus previously thought to be Not present, is showing DILIGENT INDIFFERENCE to My Safety, Life and Health. Instead, they choose to live by the Standard; Out of Sight, Out of Mind, - A Complete dereliction of Duty to Preserve my Life and Health as a Ward to their Care.

Your Honor, During incarceration, I have done Several things in pursuit, to being a better person and a More Productive Member of My Community upon Release.

I have completed Several programs during this Pursuit, to help me address Some of the Underlying issues I had, that led me to Make the choices I made to get me here.

Some of these programs include: The Non-Residential Drug abuse Program, as well as the Residential Drug abuse Program. I completed both of these programs Successfully.

Also, I have Maintained Steady Employment, for My Entire Incarceration as well.

Your Honor, I have a Very Solid release plan ready, to Assist in my Successful re-entry including, Living with my Family at 10150 Shurman Circle Willis, Michigan 48191. Phone Number to Tawana Simmons is 304-604-2359.

Your Honor, I am disabled and receive Social Security as well as a Monthly Pension from the Ford Motor Company. I will use these funds to Maintain my Self Sufficiency. The Ford Motor Company Pension was Earned from years of Faithful Service

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And Steady Employment.

Your Honor, for my Health Insurance Needs, I have Social Security Disability Insurance which covers my Medical Expenses, should they arise.

I am also within a 10 Minute Drive of My Local Area Hospital at the University of Michigan, to help, should I need Medical Assistance.

Your Honor, In the Area of Exhaustion of Administrative Remedies, It has been Stated in Several Federal District Court rulings, that Exhaustion is NOT Necessary, if Exigent Circumstances Exist, or if Exhaustion would prove futile.

"Even where [Administrative] exhaustion is seemingly Mandated by statute or decisional law, the requirement is NOT absolute." (See: WASHINGTON v. BARR, 925 F3d 109, 118 (2d Cir 2019))

"A Court can Waive an administrative exhaustion requirement where [exhaustion] would prove futile... where Administrative process would be incapable of Granting Adequate relief... [or] where pursuing Agency Review would Subject [the Person Seeking Relief] to Undue Prejudice. "Further" [to] Undue delay, if it in fact results in Catastrophic health Consequences, can justify Waiving an administrative Exhaustion requirement for Any of these three reasons"

-Id at 120-121

<Also>

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"The Delay that the defendant would experience if he had to wait for thirty days to expire before pursuing a Motion for Compassionate Release in this Court, would put him at Significant risk of Suffering Catastrophic health Consequences.

"Extraordinary and Compelling reasons Warranted release by way of Covid-19 Pandemic, combined with his Particular Vulnerabilities to Complications from Covid-19." (see - United States v. SAWICZ 08-CR-287 (AKK) E.D.N.Y April 10, 2020.)

Your Honor, I have proven that, My Exigent Circumstances are both Extraordinary and Compelling, and In light of these factors, the Very Real Danger to My Life and Health that this DEADLY Virus Poses, The Deliberate Indifference being Shown Me by the Federal Prison Camp in Ashland, Kentucky, by Not testing ALL inmates and Staff for the Covid-19 Virus. My High Risk factor for Serious Illness or Even Death, should I Contract the Covid-19 Virus in the Commercial Environment of this Prison Setting, I ask that you please,

GRANT my request for Emergency Compassionate Release under Extraordinary and Compelling Circumstances 18 USC 3582 (c)(1)(A), As Soon as possible.

Thank You, Your Honor!

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Antonio Simmons 44315-039

Federal Prison Camp

P.O. Box 6000

Ashland, Ky 41105-6000

Antonio Simmons

Antonio Simmons #44315-039
Federal Prison Camp
P.O. Box 6000
Ashland KY 41105

5/18/20

Honorable Nancy S. Edwards
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Detroit MI 48226

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